

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7025 OF 2015

Pioneer Trading Corporation ... Petitioners

Vs

1. Union of India & Ors. ... Respondents

Mr. Paresh M. Joshi I/b Mr. Pankaj Parsurampurua for the Petitioner.

Mr. Pradeep S. Jetly for the Respondents.

**CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

MONDAY, 24TH AUGUST, 2015

P.C. :

1. The petitioners' only request is that their application for refund of anti-dumping duty paid and to the extent of Rs.79,57,325/- along with interest at 12% p.a. has not been processed nor any orders have been communicated to the petitioners in that behalf.

2. The reliance that is placed by the respondents is on a Memo stated to be a deficiency Memo, copy of which is at page 54 of the

paper-book.

3. If the petitioners have failed to comply with this deficiency Memo and within the time stipulated, then, unless that time is over, the consequences in Note No.2 of the communication, copy of which is at page 54 of the paper-book, will not follow.

4. The petitioners on the other hand claim that they have complied with this communication and removed the alleged deficiencies and they rely on the letters dated 6th September, 2013, in that behalf. These letters at Annexures G-1 and G-2 and thereafter the certificates at Annexures H-1 and H-2 are relied upon.

5. The petitioners have also addressed a letter dated 30th March, 2015, to the Assistant Commissioner of Customs, Refund Section, Nhava Sheva Customs, District, Raigad at page 59 of the paper-book. They have pointed out as to how all the deficiencies and as alleged have been removed and yet no final orders are communicated on the refund applications. Reliance is also placed on a reminder in that

behalf, copy of which is at pages 61 and 62 of the paper-book.

6. It is in the above circumstances that we are directing the respondents and particularly the authority to whom the application has been made, to pass an order thereon as expeditiously as possible and within a period of three months' from today. We direct accordingly. Let the requisite orders be passed and in accordance with law and thereafter communicated to the petitioners. We clarify that we have not examined the rival contentions insofar as merits of the refund application. Each one of them are kept open.

7. The Writ Petition is disposed of with these directions. No order as to costs.

B.P. COLABAWALLA, J.

S.C. DHARMADHIKARI, J.